

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

JANUARY 7, 2016; 5:30 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR BOB STEVENSON, JOYCE BROWN,
BRUCE DAVIS, TOM DAY, SCOTT FREITAG
AND JOY PETRO**

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, TRACY
PROBERT, BILL WRIGHT, PETER MATSON AND
THIEDA WELLMAN**

The meeting was held in the Council Conference Room of the Layton City Center.

Mayor Stevenson opened the meeting and welcomed Councilmember Davis. He turned the time over to Staff.

AGENDA:

FINANCIAL UPDATE

Tracy Probert, Finance Director, indicated that he would give a brief financial update. Sales tax revenue was up \$282,000 above last year at this same time, which included July through October. Building permits were up \$162,000 for the first six months of the fiscal year. Tracy said Kihomac was a very large permit that came in, and there were several remodels of businesses, such as McDonalds, that were larger permits. Impact fees were up as well.

Tracy said most other revenues were in line with what had been budgeted. He indicated that the telecom tax was down; people were getting rid of land lines. This was something that should be addressed with the Legislature. He said in the past the City was averaging \$70,000 to \$80,000 per month in telecom taxes but it was down to \$60,000 a month.

Alex Jensen, City Manager, asked Gary Crane, City Attorney, if rates were regulated by the State.

Gary said yes. Land lines were being replaced by cell phones and Voice Over IP phones, which were not part of the telecom tax.

Tracy indicated that spending was in line with the budget. He said currently there were only two budget amendments that would be needed; one in the EMS Fund and one for street work being done in conjunction with work being done by other entities in the City. Tracy said he wouldn't recommend opening the budget at this time to make those two amendments.

Councilmember Freitag said in keeping with practice, he felt that a mid-year adjustment should be done.

Tracy said that it could be done if that was what the Council wanted.

Tracy said Staff was in the process of working on the budget for next year.

**APPOINT BRUCE DAVIS AS A MEMBER OF THE UTAH TELECOMMUNICATION OPEN
INFRASTRUCTURE AGENCY (UTOPIA) BOARD – RESOLUTION 16-02**

Mayor Stevenson said he was recommending that Councilmember Davis be appointed to the UTOPIA Board. He asked if anyone had any questions.

None were asked.

Mayor Stevenson said the City was hoping to be able to amend Utah Code to allow for an opinion question on a ballot for the UTOPIA issue.

Gary said the State had indicated that unless it was expressly stated in the Code, an opinion question couldn't be taken to the people. He said hopefully it would be an easy amendment.

Mayor Stevenson said Macquarie was on the shelf right now. He said if an amendment could go through the Legislature this year, it would allow Layton City, and other cities involved with UTOPIA, to put it to a vote of the people. It was important for the Legislature to pass this; it would allow citizens to determine what was best for the City. UTOPIA was important for the future.

Councilmember Day asked what the chances were for it happening.

Gary said he didn't think there would be a problem; the current service providers wouldn't like it, but how could you not want the people to vote on something.

Councilmember Davis asked if there was a sponsor for the bill.

Gary said yes; Senator Jerry Stevenson.

Mayor Stevenson expressed the importance of technology and fiber.

Councilmember Day asked if the Macquarie deal was still available.

Mayor Stevenson said it was a wait and see situation.

Alex said there were two issues Macquarie was concerned about; the vote and the vote being binding, and if cities would come back in. He said the vote was the key issue. Alex said Macquarie had sent a bill to UTOPIA for what had been done to date.

Councilmember Petro asked if all cities would be responsible for the bill.

Alex said all 11 cities originally agreed to pay for phase 1; phase 2 was a smaller group. He said the UIA Board was working through the logistics of that. Alex mentioned that there would be an update from UTOPIA at the January 21st meeting.

Mayor Stevenson said relative to assignments for this year, Councilmember Petro would represent the Council on the RAMP Committee and everything else would stay the same. He said he would like the Planning Commission assignment to be a quarterly assignment and rotate through the Council. He said Councilmember Day would do the 1st quarter and Councilmember Davis the 2nd quarter.

Councilmember Day indicated that he would like to continue to get a copy of the Planning Commission packet.

Discussion suggested that the Council was receiving electronic copies of the Planning Commission packets.

Mayor Stevenson said Councilmember Freitag would be Mayor Pro Tem.

Alex said Staff would prepare a letter for UTOPIA that would designate Councilmember Davis as the City's representative on the Board.

Mayor Stevenson indicated that there was a resolution on the regular meeting agenda making that appointment.

Councilmember Petro asked if UTOPIA meetings were public meetings.

Alex said yes.

ANNEXATION AND REZONE REQUEST – RLS INVESTMENT PROPERTIES, INC. /ALPINE HOMES – A (AGRICULTURE) TO R-S (RESIDENTIAL SUBURBAN) – APPROXIMATELY 450 SOUTH ANGEL STREET – ORDINANCES 16-04 AND 16-05

Peter Matson, City Planner, said this was an annexation and rezone request from Alpine Homes on behalf of the property owner, RLS Investment Properties. He said the annexation and rezone were in line with the General Plan for this area. The property was located north of Pheasant Place Subdivision on Angel Street. There were existing stub streets into Pheasant Place and there would be a connection onto Angel Street. The City could provide services to the property.

Peter said at the Planning Commission meeting there were a handful of residents that expressed concerns. The main points of concern were adequate utilities, the quality and price point of the homes. The City did not receive any protests on the annexation.

Peter said RLS Investment Properties owned the majority of the property. This was reviewed by the Planning Commission for the final time on December 8, 2015, where the Planning Commission recommended approval, and Staff supported that recommendation.

Councilmember Brown asked if the section to the west would remain unincorporated.

Peter said yes; for now.

Councilmember Petro asked about the value of the homes; were the people satisfied with that.

Peter said yes; they would be similar to the homes in Pheasant Place.

ORDINANCE AMENDMENT – TITLE 19, CHAPTER 19.16, ADDING SECTION 19.16.075 AND TABLE 16-04 OF THE LAYTON MUNICIPAL CODE ESTABLISHING APPROVED TREES FOR PARK STRIPS AND FRONTAGES – ORDINANCE 16-03

Peter Matson said this was a zoning ordinance amendment to Title 19, Chapter 16, approving a tree list for frontages and park strips within the City. Peter said there were various sizes of park strips in the City; 3 feet to 7 feet. The table listed allowed trees in the various sizes of park strips. Trees too large could cause problems with below and above ground utilities such as sidewalks, and water and sewer lines. Peter said this was reviewed three times by Planning Commission. They worked closely with the Parks Staff to make sure the various trees were appropriate. He said the ordinance also dealt with owners' responsibility for repairing damages to infrastructure. The ordinance also indicated that trees planted in front yards had to be 6 feet from the sidewalk, and be an approved tree for those areas. If a person wanted a tree that was not on the approved list they could submit a request to the City with details as to why the tree should be added. Peter reviewed specific language included in the ordinance.

Mayor Stevenson asked how the property owners and developers would be informed of the changes.

Peter said public information would be placed on the City's website, they would include a flyer in utility bills, and information would be included in the newsletter.

Mayor Stevenson suggested including a list of approved trees when someone came in for a building permit.

Councilmember Petro asked how this would affect trees that were already planted and possible damage caused by existing trees.

Gary Crane said the ordinance specifically provided for the planting of trees, but it also referred to the existing ordinance. He said there was a strict liability standard developed by the courts in the last couple of years where homeowners and cities were responsible for a damaged sidewalk. Gary said the City had a system that provided for a letter to be written to a homeowner where there was a problem. He said the property owner was given notice that they could repair the sidewalk or the City could repair the sidewalk. The City generally worked with the property owner to resolve the problem; often the City would complete the repair and work with the property owner to participate in the costs. Gary said the ordinance wouldn't mandate that the City go after the property owner; nothing was being changed in dealing with problems.

Councilmember Freitag asked if there was a requirement that a tree be planted in the ground rather than be placed in a pot.

Gary said no.

Councilmember Brown asked if the ordinance already covered bushes or shrubs in the park strip, or a garden with plants growing across the sidewalk.

Gary said there was an existing provision that addressed obstruction of a sidewalk.

MAYOR'S REPORT

Mayor Stevenson said pre-budget meetings would be set up to allow the Council to meet with the various departments about budget issues.

Councilmember Freitag asked if the annual report would be handed out at the all-day budget meeting in February.

Alex said yes; the all-day budget meeting was scheduled for the first part of March.

There was general discussion about a variety of topics including a State of the City address; WinCo; the Interfaith Council; continuing to market the City, including Channel 17; an interactive calendar; UTOPIA; the IHC Hospital; the dental office on Angel Street; public safety retirement; transportation; and the alignment of the West Davis Corridor.

The meeting adjourned at 6:52 p.m.

Thieda Wellman, City Recorder